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JAN 10 1979
EDGAR H. TWINE

January 5, 1979

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Mr. James A. Robischon
Poore, Roth, Robischon & Robinson
Attorneys at Law
1341 Harrison Avenue
Butte, Montana 59701

Subject: United States of America v.
Atlantic Richfield Company

Dear Jim:

Reference is made to my letter to you of January 3, 1979, concerning the proposed motions in the above case.

As I informed you this morning, John Neupert has completed his preliminary research on the question of the liability of a parent corporation for the torts of its subsidiary. I am enclosing a copy of a memorandum which he prepared on this subject setting forth the authorities and conclusions which we discussed today.

In view of the foregoing, we concluded that the amended complaint is defective for failure to state a claim against Atlantic Richfield Company ("ARCO"). This arises from the failure to include in the amended complaint allegations as to domination by ARCO of The Anaconda Company ("Anaconda") and use of Anaconda as a subterfuge. Because of this, it now appears that a joint motion on behalf of defendants may be filed, generally incorporating the contents

Mr. James A. Rotischo

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of Draft No. 2 of motion to dismiss and to strike of defendant
The Anaconda Company but expanding it so that it is made on
behalf of AMCO as well as Anaconda. We agreed that we should
try to make a joint recommendation concerning this after you
have returned to your office next week.

Sincerely yours,

Fredric A. Yerke

cc: Mr. West Cyr
Mr. R. B. Steinmetz, Jr.
Mr. Edgar H. Twine

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